

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ORACLE USA, INC., et al.,

Plaintiffs,

v.

SAP AG, et al.,

Defendants.

Case No. 07-CV-1658 PJH (EDL)

**AMENDED JUDGMENT**

Pursuant to the Parties' Stipulation, Proposed Form of Judgment and Proposed Order (filed August 2, 2012), Amended Trial Stipulation and Order No. 1 Regarding Liability, Dismissal of Claims, Preservation of Defenses, and Objections to Evidence at Trial (Dkt. No. 965), Additional Trial Stipulation and Order Regarding Claims for Damages and Attorneys Fees (Dkt. Nos. 961 and 969), Order Re Motions For Partial Summary Judgment (Dkt. No. 762), Order Granting Motion to Dismiss in Part and Denying It in Part (Dkt. No. 224), and Order Granting Defendants' Motion for JMOL, and Motion for New Trial; Order Denying Plaintiffs' Motion for New Trial; Order Partially Vacating Judgment (Dkt. No. 1081), IT IS HEREBY ADJUDGED AND ORDERED that:

- (1) JUDGMENT is entered against Defendant TomorrowNow, Inc. on Plaintiff Oracle International Corporation's claim for direct copyright infringement

and against Defendants SAP AG and SAP America, Inc. on Plaintiff Oracle International Corporation's claim for indirect copyright infringement. On these claims, Plaintiff Oracle International Corporation shall recover from Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc. ("Defendants"), jointly and severally in the amount of 306 million U.S. dollars (\$306,000,000 (US)), which is the entirety of the relief entered for these claims (not including the stipulation negotiated between the Parties regarding destruction of infringing materials).

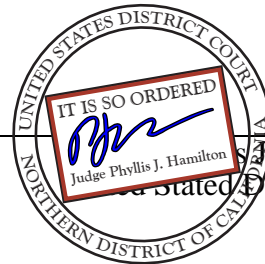
- (2) JUDGMENT is entered against Defendants on Plaintiffs Oracle USA, Inc., Oracle International Corporation, and Siebel Systems, Inc.'s ("Oracle," and together with Defendants, "the Parties") claims for past and future reasonable attorneys' fees and costs (including investigative costs) associated with Oracle's investigation and prosecution of its claims in this case, for which the Parties agreed that Oracle should recover, and has already been paid by Defendants, the amount of \$120 million (\$120,000,000).
- (3) JUDGMENT is entered for Plaintiffs Oracle USA, Inc., Oracle International Corporation, and/or Siebel Systems, Inc., and against Defendant TomorrowNow, Inc. on all liability for all claims, including for violations of 18 U.S.C. §§ 1030(a)(2)(C), (a)(4), (a)(5)(i), (a)(5)(ii), and (a)(5)(iii) (the Federal Computer Fraud and Abuse Act) and California Penal Code §§ 502(c)(2), (c)(3), (c)(6) and (c)(7) (California's Computer Data Access and Fraud Act), breach of contract, intentional interference with prospective economic advantage, negligent interference with prospective economic advantage, unfair competition, trespass to chattels, unjust enrichment/restitution, and for an accounting, without separate monetary damages or monetary relief, including punitive damages, or additional

injunctive relief by way of these claims. The recovery on these claims is included in paragraph (2) above and no other damages or injunctive or other relief is awarded by way of these claims.

- (4) JUDGMENT of dismissal with prejudice is entered as previously stipulated by the Parties, on all claims of Plaintiffs Oracle USA, Inc., Oracle International Corporation, and/or Siebel Systems, Inc. against SAP AG and SAP America, Inc., for alleged violations of 18 U.S.C. §§ 1030(a)(2)(C), (a)(4), (a)(5)(i), (a)(5)(ii), and (a)(5)(iii) (the Federal Computer Fraud and Abuse Act) and California Penal Code §§ 502(c)(2), (c)(3), (c)(6) and (c)(7) (California's Computer Data Access and Fraud Act), breach of contract, intentional interference with prospective economic advantage, negligent interference with prospective economic advantage, unfair competition, trespass to chattels, unjust enrichment/restitution, and for an accounting.
- (5) JUDGMENT of dismissal is entered, as previously ordered by the Court, on all claims brought by Oracle Systems Corporation, J.D. Edwards Europe and Oracle EMEA Limited.
- (6) Except as specified in paragraph (2) above, no costs are awarded.

Dated: August 3, 2012

By: \_\_\_\_\_



Phyllis J. Hamilton  
United States District Judge